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Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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R 150857Z MAR 78
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 9859
INFO AMEMBASSY TOKYO
CINCPAC

C O N F I D E N T I A L SEOUL 2087

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PINS, KS, PGOV
SUBJECT: KIM OK-SON LOSES CIVIL RIGHTS

REF: A) SEOUL 681 (DTG 250818Z JAN 78); B) 77 SEOUL 3179 (NOTAL)

SUMMARY: LONG-DELAYED SUPREME COURT RULING ANNOUNCED TUESDAY MEANS FORMER OPPOSITION NDP ASSEMBLYWOMAN KIM OK-SON CANNOT RUN FOR ASSEMBLY

AGAIN FOR EIGHT YEARS AND MUST RESIGN ALL HER PUBLIC POSITIONS. GOVERNMENT'S HANDLING OF CASE NEARLY SEVEN YEARS OLD STRONGLY SUGGESTS

POLITICAL MOTIVATION. END SUMMARY.

1. ON MARCH 14, KOREAN SUPREME COURT ANNOUNCED ITS DENIAL OF APPEAL BY

OPPOSITION NDP FIGURE(AND FORMER NATIONAL ASSEMBLYWOMEN) MS. KIM OK-SON. COURT'S DENAIL OF APPEAL MEANS KIM'S ORIGINAL SENTENCE (ONE YEAR'S IMPRISONMENT, SUSPENDED FOR TWO YEARS, FOR A VIOLATION OF THE ELECTION LAW IN HER 1971 CAMPAIGN FOR THE NATIONAL ASSEMBLY) IS CONFIRMED, RESULTING IN LOSS OF CERTAIN CIVIL RIGHTS, BUT NOT IN
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IMPRISONMENT. PRACTICAL EFFECT OF FINAL CONFIRMATION OF SENTENCE IS A) TO DEPRIVE HER OF HER POSITIONS AS CHAIRMAN OF BOARD OF CHONGSIN

CHRISTIAN GIRLS' HIGH SCHOOL IN SEOUL, AS CHAIRMAN OF BOARD OF HOME FOR WIDOWS AND UNWED MOTHERS, AND AS A BOARD MEMBER OF ANOTHER GIRLS' HIGH SCHOOL; AND B) TO PREVENT HER RUNNING AGAIN FOR NATIONAL ASSEMBLY (NA) FOR EIGHT YEARS (TWO YEARS FOR WHICH

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SENTENCE IS SUPENDED, PLUS SIX YEARS MORE SPECIFIED BY NA ELECTION LAW).

2. BOTH VERNACULAR MORNING NEWSPAPERS MARCH 15 CARRIED SHORT STORIES ON EVENTS, AS DID RADIO AND TV TUESDAY NIGHT. CHOSON ILBO, IN SHORT FOLLOW-ON ITEM, QUOTES STATEMENT RELEASED MARCH 14 BY NDP'S PRESS SPOKESMAN, KO CHAE-CH'MONG, CALLING SUPREME COURT'S MEASURE "POLITICAL REVENGE," IN A CASE WHICH WAS "HANDLED POLITICALLY, WITHOUT ADEQUATE LEGAL PROCEDURES."

3. BACKGROUND: GOVERNMENT'S HANDLING OF THIS CASE SEEMS PATENTLY TO HAVE BEEN POLITICALLY INSPIRED. ALTHOUGH ORIGINAL VIOLATION OF ELECTION LAW (AN UNREGISTERED DEMONSTRATION) OCCURRED ON APRIL 19, 1971 (AND KIM WAS PRESUMABLY INDICTED SHORTLY THEREAFTER), ORIGINAL SENTENCE WAS NOT PRONOUNCED UNTIL DECEMBER 7, 1976, MORE THAN FIVE YEARS LATER. SUBSEQUENTLY, KIM MET U.S. CONGRESSIONAL FRASER SUBCOMMITTEE AIDE SALZBERG APRIL 11, WAS QUESTIONED BY KCIA AS TO SUBSTANCE OF SALZBERG INTERVIEW FOUR DAYS LATER, WAS CONFRONTED WITH OTHER LEGAL CHARGES NINE YEARS OLD ON APRIL 16 (REFTEL B), AND WAS DENIED HER FIRST APPEAL OF THIS CASE BY APPELLATE COURT APRIL 27, 1977. KIM APPEALED TO THE SUPREME COURT ON MAY 4 AND CASE WAS GIVEN UNPRECEDENTLY RAPID HEARING. ALL THIS OCCURED AT TIME IT WAS RUMORED KIM MIGHT RUN IN JUNE 10 BY-ELECTION IN CHONGNO AND CHUNG-GU DISTRICT IN SEOUL.AS KIM WAS NEVER TAKEN INTO CUSTODY DURING TRIAL PROCEEDINGS, HOWEVER, SUPREME COURT FACED NO DEADLINE TO ANNOUNCE RESULTS OF ITS REVIEW OF LOWER CONFIDENTIAL

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COURTS' PROCEEDINGS.

4. KIM WAS NOTIFIED IN JANUARY 1978 THAT SUPREME COURT WOJLD SOON RULE ON HER APPEAL.WHEN NDP INTERCEDED WITH CHIEF JUSTICE MIN POK-KI ON KIM'S BEHALF, USING ARGUMENT THAT POSTPONING DECISION WAS NECESSARY FOR CONSTRUCTIVE ASSEMBLY SPECIAL SESSION (SUBSEQUENTLY HELD FROM FEBRUARY 25 TO MARCH 8), NDP UNDERSTOOD THAT COURT HAD AGREED TO DELAY ITS DECISION INDEFINITELY (REFTEL A). IN THE EVENT, DELAY NDP WON LASTED ONLY A MONTH AND A HALF.

5. KIM RECEIVED NOTICE MARCH 11 (THREE DAYS AFTER NA ADJOURNED) THAT COURT'S DECISION WOULD BE ANNOUNCED MARCH 14. ALTHOUGH YI CH'OL-SUNG AND OTHER NDP LEADERS CALLED ON CHIEF JUSTICE MIN THE NEXT DAY, ALL THEY GOT WAS STATEMENT THAT PROSECUTION WAS DETERMINED TO PRESS AHEAD WITH THE CASE.

5. COMMENT: ONE LONG-TIME OBSERVER COMMENTED THAT GOVERNMENT SEEMS TO FEAR KIM MIGHT RUN AGAIN FOR NATIONAL ASSEMBLY FROM HER DISTRICT (PUYO-YECH'ON-PORYONG), WHERE SHE IS STILL VERY POPULAR. HER SEAT IS NOW VACANT, WHILE OTHER SEAT IN DISTRICT IS FILLED BY DRP'S KIM CHONG-IK, BORTHER OF KIM CHONG-P'IL. RUMOR HAS IT THAT SIN CHIK-SU (IMMEDIATE PAST DIRECTOR OF KCIA) WANTS

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TO RUN FOR VACANT SEAT, BUT KIM COULD DEFINITELY OUT-POLL SHIN.
WHATEVER ITS MOTIVATION, THE GOVERNMENT HAS JUST PUT KIM WHERE
IT WANTS HER: ON POLITICAL ICE FOR THE NEXT EIGHTYEARS.
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